IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION Nos. 26633, 26634, 26635 & 26636 of 2005

WRIT PETITION No. 26633 of 2005

Between:

Tamidela Padmavathi

..... PETITIONER

AND

The District Collector,

Ranga Reddy District and 2 others

.....RESPONDENTS

WRIT PETITION No. 26634 of 2005

Between:

Sangala Vishnuvardhana Reddy

..... PETITIONER

AND

The District Collector,

Ranga Reddy District and 2 others

.....RESPONDENTS

WRIT PETITION No. 26635 of 2005

Between:

Gayam Padmalatha

..... PETITIONER

AND

The District Collector,

Ranga Reddy District and 2 others

.....RESPONDENTS

WRIT PETITION No. 26636 of 2005

Between:

Kandula Venkata Subba Reddy

..... PETITIONER

AND

The District Collector,

Ranga Reddy District and 2 others

.....RESPONDENTS

COMMON ORDER:

Seeking a Mandamus, declaring the action of the 3rd respondent in not registering the sale deeds of the petitioners as per the Circular issued by the 1st respondent No.E2/406/2001, dated 06.02.2001, as illegal and arbitrary, all these writ petitions are filed.

As all these writ petitions are filed for similar relief, they are being disposed of at the stage of admission by this common order.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioners submit that they are the owners of their respective lands as mentioned in the writ petitions having purchased the same under registered sale deeds from their respective vendors. It is stated that the petitioners wanted to sell their respective lands, but the said lands are not being registered by the 3rd respondent in pursuance of the Circular instructions issued by the 1st respondent dated 06.02.2001, directing the Sub-Registrars in the Ranga Reddy District not to entertain any documents for registration of lands for agriculture or non-agriculture purposes whenever produced without the prior approval or No Objection Certificates from the District Collector.

The learned counsel for the petitioner submitted that the said circular was already questioned before this Court in several writ petitions and the same was set aside and W.P.No.10487 of 2004 is one among those writ petitions, which was disposed of on 01.07.2004. It is stated that the Registering authority cannot refuse any document presented for registration of the property, unless there is a specific prohibition prohibiting the registration of the sale deeds under Section 22-A of the Registration Act, 1908. Under Section 22-A(1)j of the Act, the State Government, may, by Notification in the official Gazette, declare that the registration of any

document is opposed to public policy. If there is any notification, it is always open for the 3rd respondent to reject registration of a document.

The learned Government Pleader for Revenue submits that if it is a Government land or the assigned land, there will be a specific prohibition for the transfer of the said lands. Merely because any registration is made, no title can pass on to the vendees. If any alienation is made contrary to the specific prohibition imposed under the relevant Act, no title can be passed on. However, in the absence of any specific Notification, I am of the opinion that pursuant to the impugned circular, the 3rd respondent cannot refuse to register the documents.

Having regard to the facts and circumstances of the case and in view of the judgment of this Court in W.P.No.10487 of 2004, dated 01.07.2004, I deem it appropriate to dispose of these writ petitions, directing the 3rd respondent that any document presented by the petitioner or any person claiming through it shall be processed and dealt with as per the provisions of the Indian Stamp Act and the Registration Act.

With the above observations, the Writ Petitions are disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 14.12.2005

Dsr

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